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PATENT  
Attorney Docket No.: 041465-5126

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Kiyoshi TATEISHI ) Confirmation No: 4513  
Application No.: 09/985,836 ) Group Art Unit: 2655  
Filed: November 6, 2001 ) Examiner: Ortiz Criado, Jorge L.  
For: OPTICAL RECORDING MEDIUM, )  
INFORMATION RECORDING )  
APPARATUS, AND INFORMATION )  
REPRODUCING APPARATUS )

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This Information Disclosure Statement is being filed after the events recited in § 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Office Action, a Notice of Allowance, or any action that otherwise closes prosecution in the above-referenced application.

Each item of information contained in this Information Disclosure Statement (IDS) was first cited in a European Search Report dated August 9, 2004 issued by the European Patent Office in a counterpart European patent application. Hence, each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart

foreign application not more than three months prior to the filing of this IDS. A copy of the European Search Report dated August 9, 2004 is enclosed for the Examiner's consideration.

Copies of the listed documents are attached. Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

While the European Search Report also lists U.S. Patent Nos. 5,881,032 A and 5,995,458 A, these references are not listed on the attached PTO Form 1449 because they were previously cited by the Examiner in this application in an Office Action dated April 8, 2004.

Moreover, while the European Search Report also lists EP 0715301A, this reference is not listed on the attached PTO Form 1449 because it was previously filed in an IDS in this application on July 14, 2004.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "Prior Art." If it should be determined that the listed documents do not constitute "Prior Art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required,

including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By: 

Paul A. Fournier  
Reg. No. 41,023

Dated: September 2, 2004

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INFORMATION DISCLOSURE CITATION				Attorney Docket No. 041465-5126		Application No.: 09/985,836	
(Use several sheets if necessary) PTO Form 1449				Applicants: Kiyoshi TATEISHI		PAGE 1 of 1	
				Filing Date: November 6, 2001		Group Art Unit: 2655	
<b>U.S. PATENT DOCUMENTS</b>							
*Examiner Initial	Document Number	Date	Name	Class	Sub Class	Filing Date	
<b>FOREIGN PATENT DOCUMENTS</b>							
Document Number	Date	Country		Class	Sub Class	<u>Translation</u> YES NO	
EP 0 944 088	Sep. 22, 1999	Europe					
EP 0 827 139	Mar. 4, 1998	Europe					
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
Examiner				Date Considered			
Examiner:		Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					